

महाराष्ट्र शासन

सामान्य प्रशासन विभाग

शासन परिपत्रक क्रमांक सीडीआर. २०८२/१२६८/१२/जकसा

मंत्रालय, मुंबई ४०० ०३२, दिनांक १२ मे १९८२

परिपत्रक

शासन यंत्रणेतील भ्रष्टाचाराचे निर्मूलनासाठी केलेल्या उपाययोजनांसंबंधात शासन निर्णय, सामान्य प्रशासन विभाग, क्रमांक सीडीआर. २०८२/१२६८/१२/जकसा, दिनांक १२ मे १९८२ कडे आणि सोबतच्या जीडपत्रात नमूद केलेल्या आदेशांकडे (प्रती सोबत जोडल्या आहेत) सर्व मंत्रालयीन विभाग, सर्व विभागप्रमुख आणि कार्यालय प्रमुख यांचे लक्ष वेधण्यात येत आहे. त्यामधील सूचना त्यांनी काटेकोरपणे अंमलात आणाव्यात.

२. सर्व विभाग प्रमुखांना अशी विनंती करण्यात येते की, विभागीय लाचलुचपतविरोधी समितीची सभा प्रत्येक तीन महिन्यांच्या कालावधीत किमान एकदा घेण्यात येईल आणि त्यांनी भ्रष्टाचार निर्मूलनासंबंधी केलेल्या कामकाजाचा वार्षिक अहवाल इत्येक जानेवारी, एप्रिल, जुलै आणि ऑक्टोबर महिन्यांच्या १५ तारखेपर्यंत संबंधित प्रशासकीय मंत्रालयीन विभागाकडे व त्याच्या आकाऊ इत्ती गृह विभाग व सामान्य प्रशासन विभाग आणि संचालक, लाचलुचपत-विरोध आणि दारूबंदी गुप्तवार्ता केंद्र, मुंबई, यांना पाठविण्यात येतील याची दक्षता घ्यावी. मंत्रालयीन प्रशासकीय विभागाने सद्य अहवालाची छापी करून आवश्यक अभिप्रायासह गृह विभागास आणि गृह विभागाने त्याच्या अभिप्रायासह अहवाल शासनास सादर करण्यासाठी फेब्रुवारी, मे, ऑगस्ट आणि नोव्हेंबर या महिन्यांच्या १ तारखेपर्यंत सामान्य प्रशासन विभागास पाठवावा.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

म. ना. बर्वे,
शासनाचे अवर सचिव.

प्रति

राज्यपालांचे सचिव,

मुख्य मंत्र्यांचे सचिव,

सर्व मंत्र्यांचे खाजगी सचिव,

सर्व राज्यमंत्री/उपमंत्री यांचे स्वीय सहाय्यक,

सर्व विभागीय आयुक्त,

सर्व जिल्हाधिकारी,

सर्व मुख्य कार्यकारी अधिकारी, जिल्हा परिषद,

सर्व विभाग प्रमुख आणि कार्यालय प्रमुख,

सर्व मंत्रालयीन विभाग,

संचालक, लाचलुचपत विरोध व दारूबंदी गुप्तवार्ता केंद्र, मुंबई.

ANNEXURE

| Serial No. (1) | Subject (2) | Description and number of order (3) | Date of order (4) |
|-------------------|--|--|----------------------|
| 1 | Government Administration—Measures to eradicate corruption from— | Government Circular, Political and Services Department No. CDR-2057. | 3rd July 1957. |
| 2 | Functions of Commissioners of Divisions in so far as anticorruption measures are concerned. | Government Endorsement, Home Department No. ACB-1857/CM-3019 18238-V. | 1st May 1958. |
| 3 | Corporations and Boards—Measures to eradicate corruption from— | Government Circular, General Administration Department No. CDR-2064-D. | 1st October, 1964. |
| 4 | Appointment of Vigilance and Public Relation Officers in the Departments of the Secretariat and Offices of certain Heads of Departments. | Government Resolution, General Administration Department No. VGC-1065-D-I. | 13th March, 1965. |
| 5 | Integrity of Government Officers—Watching of— | Government Circular, General Administration Department No. CDR-2065/Recommendation No. 25-D-I. | 9th October, 1965. |
| 6 | Prosecution—Need to grant expeditious sanctions to— | Government Circulars, General Administration Department No. CDR-2065/Recommendation No. 92-D-I. | 18th December, 1965. |
| 7 | Cases of corruption: Protection of informers and witnesses in connection with the— | Government Resolution, General Administration Department No. CDR-2065-D-I/Recommendation No. 99-D-I. | 18th December, 1965. |
| 8 | Eradication of corruption from Government Administration: Drawing up of programme for each Department for— | Government Resolution, General Administration Department No. CDR-2065-D-I. | 31st January 1966. |
| 9 | Prosecution—Need to grant expeditious sanctions to— | Government Circular, General Administration Department No. VGC-1066/C-10544-D-I. | 14th December, 1966. |
| 10 | Lists of Officers of doubtful integrity—Preparation of— | Government Circular, General Administration Department No. CDR-2072-686-D-I. | 14th March, 1972. |
| 11 | Government Administration—Measures to eradicate corruption from— | Government Circular, General Administration Department No. CDR-2077/807/37/XI. | 18th March, 1977. |
| 12 | Government Administration—Measures to eradicate corruption from— | Government Circular, General Administration Department No. CDR-2077/807/37/XI. | 15th February 1978. |
| 13 | Allegations against Class I Officers, Enquiries into by the Anti Corruption and Prohibition Intelligence Bureau— | Government Circular, General Administration Department, No. CDR-2080/C-1614/377/XI. | 12th March, 1981. |
| 14 | Prosecution—Need to grant sanction to— | Government Resolution, General Administration Department, No. CDR-2080/1930/428/XI. | 15th February, 1982. |

Below copy of the Government Circular, Political and Services Department, No. CDR-2057, dated the 3rd July 1957.

CONFIDENTIAL

Government Administration :

Measures to eradicate corruption from—

The attention of Collectors and Heads of Departments has already been drawn in Chief Secretary's Demi-Official letter No. CDR-2057-D, dated the 21st June 1957 to Government's grave concern at the persistent evil of corruption. Concerted measures are necessary to eradicate this evil particularly at the lower levels of administration which touch the citizens most often. It is however regrettable that Departments have not so far exhibited that degree of keenness, resolution or vigilance which results in the initiation of positive measures to detect and stamp out corruption. Government therefore desire to impress once again on the Heads of Departments as well as District Officers their responsibilities in this regard. It is felt that it would improve the moral tone of the administration and create a greater realisation of departmental responsibility in this behalf if the collection of preliminary intelligence and initiation of action are ordinarily done by the Departments and the Anti-Corruption Police is associated only at the stage of detailed investigation. This would not, of course, preclude bringing in the Anti-Corruption police at an earlier stage if this is considered necessary and in any case the closest liaison between the Departments and the Anti-Corruption police is absolutely necessary.

2. With these objectives in view Government desire that the following action should be taken:—

(i) The Heads of each administrative Department of the Government should constitute a Committee composed of 3 to 4 officers and representative of different levels of administration, i.e. Regional District and Sub-Divisional and of proved integrity. The Deputy Inspector-General of Police (Anti-Corruption and Prohibition Intelligence) or his nominee should be invited to attend the meetings of the Committee. The names of the officers constituting the Committee may be intimated to Government and also to the Deputy Inspector-General of Police, (Anti-Corruption and Prohibition Intelligence). The functions of the Committee would be:—

(a) To help the Anti-Corruption police to know the modus operandi of corruption in the particular Department.

(b) To list the most important cases in which there is considerable scope for corruption.

(c) To examine and suggest changes in the rules and procedure which could diminish the opportunities for corruption, and

(d) To draw up a list of those whose general reputation for integrity is bad and whose activities need to be watched.

(ii) The above Committee should meet at least every two months and oftener in the initial stages. They should also keep in close touch with the departmental Anti-corruption Committee and pass on intelligence to the Collector and the Deputy Inspector General of Police, Anti-Corruption and Prohibition Intelligence for necessary action.

(iii) In each District and Anti-Corruption Committee which will be in addition to any similar committees that may be in existence, consisting of the Collector, the Executive Engineer, the District Superintendent of Police and the Divisional Forest Officer (if there is forest staff in the district) should be set up. The District heads of other departments should be associated with the Committee in specific cases where necessary. The Collector will however be generally responsible for the eradication of corruption in all the departments in his district.

(iv) The District Committees which should meet at least once a month, should look into the complaints including anonymous letters containing concrete details and collect preliminary information. Where detailed investigation into the complaint is considered necessary the assistance of the Anti-Corruption police should be taken. For collection of preliminary intelligence the district committees may devise such methods as may be considered fit in regard to the conditions prevailing in a particular district. Though the scope of the Functions of District Committees will be to take Anti-Corruption measures in all departments, it may eventually be desirable to concentrate effort in certain departments e.g., Revenue, Police, Sales Tax, Public Works Department and Forest. The District Committee may ask all the Gazetted Officers in the district to pass on to it the information bearing on corruption.

(v) Delay in disposal is often the root cause of corruption and in this connection it is suggested that habitual disregard for prescribed procedure and delays which give scope for corruption should be dealt with severely. Both the Committees should also make efforts to procure positive evidence against persons whose general reputation for integrity is bad.

(vi) The Committee should ensure that Top Priority is given to departmental inquiries relating to corruption and that officers suspected of corruption are transferred.

(vii) As corruption is particularly rampant at the lower levels it is important to bring home to officers at the sub-divisional and taluka level their responsibilities in this respect. They should be informed that their general performance will also be assessed by the keenness they display in bringing up legal cases of corruption. Where cases are detected independently of their own efforts, the Head of Department should examine whether the superior officer concerned could not be held responsible for lack of vigilance and supervision.

The Heads of Departments and the Collectors should submit to Government Quarterly Review of the work done by the Departmental Committees and the District Committees respectively. The first report will be for the quarter ending September 1957 and should reach the Government by the 15th October 1957.

Below copy of Government Endorsement, Home Department No. ACB. 1857/C-3019/8238-V, dated the 1st May, 1958.

*Functions of Commissioners of Divisions
in so far as anti-corruption measures are
concerned.*

"Your attention is invited to the undermentioned communications from Government on the subject of Anti-corruption measures, copies of which are enclosed:—

(1) Government Circular, Political and Services Department, No. CDR-2057, dated the 3rd July 1957.

(2) Government Resolution, Home Department No. ACB-1857/C, 3019-V, dated the 26th November, 1957.

You are requested to exercise overall supervision over the anticorruption measures required to be taken by the various departments and particularly to impress on all officers the paramount importance of intensifying the anti-corruption drive. This may please be done at the various meetings summoned by you and also at the time of your visits to the districts."

Below copy of Government Circular, General Administration Department, No. CDR-2064-D, dated the 1st October, 1964.

*Corporations and Boards :
Measures to eradicate corruption from—*

"One of the steps taken by Government for the eradication of corruption from Government administration is the formation of Departmental and District Anti-Corruption Committees. Experience has shown that these Committees are useful. There are several Corporations and Boards in this State which are financed or controlled wholly or partly by the State Government. Some of them are large in size, have a wide field of activities and handle large funds. Since there is scope for corruption in the administration of such Corporations/Boards, Government considers that it would be useful if Anti-Corruption Committees on the lines of Departmental Anti-Corruption Committees sanctioned for Government Departments vide Government Circular, Political and Services Department, No. CDR-2057, dated the 3rd July, 1957, are formed for all such Corporations and Boards. Although it is true that it is for the Corporations/Boards concerned to consider whether they should have their own Anti-Corruption or Vigilance Committees and it would not be correct for Government to issue any directions to them making it compulsory for them to set up such Committees, there can be no objection to Government giving some sort of general guidance to them by making a suggestion to them to set up such Committees. All Departments of the Secretariat are accordingly requested to take up with the Corporations, Boards etc. with which they are respectively concerned the question of formation of Anti-Corruption Committees in each of them and to communicate to this Department the result thereof in due course."

Appointment of Vigilance and Public Relations Officers in the Departments of the Secretariat and offices of certain Heads of Departments.

GOVERNMENT OF MAHARASHTRA

GENERAL ADMINISTRATION DEPARTMENT

Resolution No. VGC-1065-DI

Sachivalaya, Bombay-32 BR 13th March, 1965
Phalgun 22, 1886.

*Read :—*Government Resolution, General Administration Department, No. VGC-1064-D, dated the 12th August 1964.

RESOLUTION

Government is pleased to direct that the O. & M. Officers in every Department of the Secretariat and in the offices of the Heads of Departments mentioned in the accompanying list should be designated also as Vigilance and Public Relations Officers and that their duties in these capacities should be as follows :—

(1) *Duties as Vigilance Officers :—*

To see that—

- (i) the existing organisation and procedures are examined with a view to eliminating or minimising factors which provide opportunities for corruption or malpractices,
- (ii) a system of regular inspections and surprise visits is planned and enforced for detecting failures in quality or speed of work which would be indicative of the existence of corruption or malpractices,
- (iii) prompt action is initiated and pursued in all cases where reasonable ground for suspicion of corruption or malpractices exists against any official or person,
- (iv) departmental enquiries are conducted with all possible speed consistent with due observance of procedural requirements,
- (v) returns and statements and other information required by the Vigilance Commission are forwarded to the Commission in time,
- (vi) irregularities in procedure alleged in the complaints sent by the Commission are examined and remedies suggested where necessary, and
- (vii) monthly statements of disposal of cases are scrutinised with a view to ascertaining the extent of chronic delay in disposal of cases and suggesting remedial measures.

(2) *Duties as Public Relations Officers :—*

- (i) To receive and register complaints sent by the Vigilance Commission or the Sadachar Samiti or received from members of the public about delays, discrimination and improper use of discretionary powers which *prima facie* have no bearing on corruption.
- (ii) To take expeditious action to enquire or get enquiries made into the grievances of the complainant under the orders of the Head of Department or on his own within the powers that may be delegated to him by the Head of Department in this behalf, and
- (iii) To investigate the cause of the grievance such as defective procedure, favouritism, etc. and to take remedial action in consultation with the Head of Department.

2. The Organisation and Methods Officers should discharge the duties mentioned in paragraph 1 above in addition to their existing duties relating to Organisation and Methods and establishment work.

3. The Secretariat Departments and the Heads of Departments concerned should watch the experiment for six months and report its working to Government in the General Administration Department thereafter.

By order and in the name of the Governor of Maharashtra,

K. P. NADKARNI,
Deputy Secretary to Government.

CONFIDENTIAL*Integrity of Government Officers:
Watching of—***GOVERNMENT OF MAHARASHTRA****GENERAL ADMINISTRATION DEPARTMENT**

Circular No. CDR-2065/Recommendation No. 25/D-1

Sachivalaya, Bombay-32-BR, dated the 9th October 1965
14 Ashvin, 1887**CIRCULAR OF GOVERNMENT**

One of the recommendations contained in the Report of the Santhanam Committee on Prevention of Corruption is that every officer of superior status under whom a number of Gazetted Officers are working directly should take steps to ascertain personally whether there is any reason to doubt or suspect the integrity of any of these officers. Government has accepted this recommendation and is pleased to direct that all Heads of Departments should accordingly ascertain the integrity of each Gazetted Officer working under them and draw up a list of those whose integrity is doubtful. Their attention is also invited in this connection to the orders issued in Government Circular, Political and Services Department, No. CDR-2057, dated the 3rd July 1957.

By order and in the name of the Governor of Maharashtra,

(Sd/—)

Deputy Secretary to the Government of Maharashtra,
General Administration Department.**SECRET***Prosecution:*

Need to grant expeditious sanctions to—

GOVERNMENT OF MAHARASHTRA**GENERAL ADMINISTRATION DEPARTMENT**

Circular No. CDR-2065/Recommendation No. 92-D.I

Sachivalaya, Bombay-32-BR, dated the 18th December 1965

CIRCULAR OF GOVERNMENT

One of the recommendations of the Santhanam Committee on Prevention of Corruption is that the proposals/requests for granting sanction to prosecute Government servants should be dealt with expeditiously. Government is pleased to accept this recommendation and to direct that the authorities in whom powers to accord sanction to prosecute Government servants are vested, should grant the necessary sanction expeditiously, subject to the provisions of paragraph 24 of the Manual of Departmental Enquiries read with paragraph (4) of Government Resolution, General Administration Department, No. VGC-1065/D-I, dated the 21st April 1965.

By order and in the name of the Governor of Maharashtra,

K. P. NADKARNI,Deputy Secretary to the Government of Maharashtra,
General Administration Department.

Cases of corruption:

Protection to informers and witnesses
in connection with the—

GOVERNMENT OF MAHARASHTRA**GENERAL ADMINISTRATION DEPARTMENT**

Circular No. CDR-2065/Recommendation-No. 99-D.I

Sachivalaya, Bombay-32(BR), dated the 18th December 1965

CIRCULAR OF GOVERNMENT

The Santhanam Committee on Prevention of Corruption has recommended that the informants and witnesses in cases of corruption should be afforded sufficient protection and saved from harassment. Government is pleased to accept this recommendation and to reiterate the instructions issued in Government Circular*, Political and Services Department, No. CDR-2053, dated the 10th March 1954 and to issue the following further instructions in this connection—

(i) Rule 27 of the rules for the preparation, submission and disposal of applications to Government requires that where an application is received from a private individual making definite allegations against a Government servant regarding corruption, dishonesty, favouritism, etc. and when some instances which are likely to lead to a successful inquiry are quoted, only the purport of the complaint should be forwarded for report and in case it is felt that mere purport of the complaint would not be sufficient, a copy of the complaint may be sent but in that case the name of the complainant should not be given. This procedure has been prescribed with a view to avoiding any scope for harassment of the complainant at the hands of the Government servant complained against and it should be followed scrupulously.

(ii) The witnesses in cases of corruption should be afforded adequate protection. They should also be saved from possible harassment as in the case of the informants.

By order and in the name of the Governor of Maharashtra,

K. P. NADKARNI,
Deputy Secretary to Government.

*Printed as an accompaniment to this Circular.

Accompaniment to Government Circular, General Administration Department, No. CDR-2065/
Recommendation No. 99-D.I, dated the 18th December 1965.

Cases of corruption:

Government servants giving information
about—to the Anti-Corruption Police.

GOVERNMENT OF BOMBAY**POLITICAL AND SERVICES DEPARTMENT**

Circular No. CDR. 2053

Bombay Castle, 19th March 1954

CIRCULAR OF GOVERNMENT

At present it is usual for officers of the Police Department (Anti-Corruption) while enquiring into cases of corruption to afford protection to persons giving information and also to give them assurance regarding the secrecy of their names. Government is pleased to approve of this practice and also to direct that when Government servants give information to the Police (Anti-Corruption Branch) leading to the detection of cases of corruption misappropriation of Government money or other types of grave misconduct, they may on the specific recommendation made by the Additional Assistant to the Inspector General of Police, Anti-Corruption be tendered a pardon and absolved of their responsibilities, if any, connected with the commission of the default or the offences. The Additional Assistant to the Inspector General of Police, Anti-Corruption should while recommending the individuals concerned for pardon ensure that each case is properly considered with a view to avoid injustice and misuse of the facility.

Government is also pleased to direct that the Heads of Departments and Heads of Offices should ensure that Government servants who give information regarding misconduct of their colleagues or other Government servants are protected from the vindictiveness of their superior officers who might be embarrassed by the disclosures.

The Additional Assistant to the Inspector General of Police, Anti-Corruption and Prohibition Intelligence should submit a report to Government in the Political and Services Department regarding the working of these orders during the first week of October 1954.

By order and in the name of the Governor of Bombay,

M. D. BHANSALI,
Chief Secretary to the Government of Bombay,
Political and Services Department.

Below copy of Government Resolution, General Administration Department, No. CDR-2065/D-I, dated the 31st January 1966

*Eradication of corruption from
Government Administration:*

*Drawing up of programme for
each Department for—*

Read.—(i) Government Circular, Political and Services Department No. CDR-2057, dated the 3rd July 1957 read with Government Circulars, General Administration Department, No. CDR-2065/Recommendation No. 25/D-I, dated the 9th October, 1965 and No. CDR-2065/Recommendation No. 80-D-I, dated the 18th December, 1965.

(ii) Government Resolution, General Administration Department, No. VGC-1065-D-I, dated the 13th March 1965 read with Government Resolution and Circular, General Administration Department, No. CDR-2065/Recommendation No. 65/D-I, dated the 17th June 1965 and 31st December, 1965, respectively.

“As a further measure for the eradication of corruption from Government Administration, Government is pleased to direct as follows :—

(1) Each Head of Department should draw up a confidential programme in advance indicating the types of corruption prevalent in his Department, the types of personnel involved in them the list of persons whose general reputation for integrity is bad and whose activities need to be watched and the measures he proposes to take to improve the situation. Such programme should be drawn up by the Head of Department himself on the basis of his personal knowledge and observations as well as reports of the Departmental Anti-Corruption Committee and the Departmental Vigilance Officer, if any. He should submit the draft programme, so drawn to Government in the Administrative Department concerned for approval through the State Vigilance Commissioner.

(2) Simultaneously, the Director, Anti-Corruption Bureau should also send confidentially to Government through the State Vigilance Commissioner his own observations regarding corrupt practices prevalent in each Department, types of personnel involved and the remedial measures.

(3) The State Vigilance Commissioner will then examine the proposals both of the Head of Department and the Director, Anti-Corruption Bureau and make his own proposals to Government in each case.

(4) The Secretary to Government in the Administrative Department concerned should intimate the programme finally approved by Government to the Head of Department for implementation and to the State Vigilance Commissioner for information. The Secretary to Government should also supervise the implementation of this programme.

(5) The programme finally approved by Government should continue to be in force, subject to periodical reviews by the Head of Department.

(6) Any further proposals for modification of the programme should again be routed by the head of Department to Government through the State Vigilance Commissioner.”

CONFIDENTIAL*Prosecution—Need to grant -expeditious sanctions to—***GOVERNMENT OF MAHARASHTRA****GENERAL ADMINISTRATION DEPARTMENT****Circular No. VGC-1066/C-10544-D-I**Sachivalaya, Bombay-32-BR., dated 14th December 1966
23rd Agrahayana, 1888**CIRCULAR OF GOVERNMENT**

The procedure for sanctioning the prosecution of Government servants in cases investigated by the Anti-Corruption Bureau in which that Bureau recommends prosecution has been laid down in sub-paragraphs (vi) and (vii) of paragraph 3 of Government Resolution, General Administration Department, No. VGC-1064-D, dated the 12th August, 1964 as amended by Government Resolution, General Administration Department, No. VGC-1065-D-I, dated the 21st April 1965. With a view to ensuring that orders sanctioning prosecution are issued quickly in pursuance of this procedure, Government is pleased to issue the following instructions:—

- (I) *Cases covered by the said sub-paragraph (vi) i.e. cases in which sanction for prosecution is required under any law to be issued in the name of the Governor.*

The Heads of Departments to whom the Anti-Corruption Bureau forwards copies of its reports submitted to Government through the State Vigilance Commission should forward their comments to the State Vigilance Commission as soon as possible and in any case within 14 days from the date of receipt of the copies. In cases in which they have no specific comments to make, they should inform the Vigilance Commission accordingly within the same period.

- (II) *Cases covered by the said sub-paragraph (vii), i.e. cases where an authority other than the Governor is competent to sanction prosecution.*

The authorities concerned should decide whether or not a *prima facie* case exists for sanctioning prosecution on the basis of the report of the Anti-Corruption Bureau as soon as possible and issue the sanction without delay if they agree with the recommendation of the Anti-Corruption Bureau. Otherwise, i.e. if they propose to reject the recommendation of the Anti-Corruption Bureau they should forward the case together with the relevant records and a detailed note explaining why they propose to do so to the State Vigilance Commission for advice as soon as possible and in any case, within 14 days from the date of receipt of the report from the Anti-Corruption Bureau.

In exceptional cases in which the competent authority finds that it will take more than two weeks to come to a conclusion, the local representative of the Anti-Corruption Bureau should be informed about the time by which it would be feasible to communicate the decision.

2. In this connection attention of all the concerned authorities is also invited to the instructions contained in Government Circular, General Administration Department, No. CDR-2065/Recommendation No. 92-D-I, dated the 18th December 1965 and they are requested to ensure that sanctions to prosecution are issued expeditiously.

By order and in the name of the Governor of Maharashtra,

K. P. NADKARNI,

Deputy Secretary to the Government of Maharashtra,
General Administration Department.

CONFIDENTIAL

*Lists of Officers of doubtful integrity :
Preparation of—*

GOVERNMENT OF MAHARASHTRA**GENERAL ADMINISTRATION DEPARTMENT**

Circular No. CDR-2072-686-D-1

Sachivalaya, Bombay-32(BR), dated the 14th March 1972

CIRCULAR OF GOVERNMENT

According to the orders issued in Government Circular, General Administration Department No. CDR-2065-Recommendations No. 25/D-1, dated the 9th October 1965, all Heads of Departments are required to ascertain the integrity of each gazetted officer working under them and draw up a list of those whose integrity is doubtful. One of the functions of the Departmental Anti-Corruption Committees is to draw up a list of those officers whose general reputation for integrity is bad and whose activities need to be watched. The Director, Anti-Corruption and Prohibition Intelligence Bureau or his nominee is invited to attend the meetings of the Committees. The officers of the Anti-Corruption and Prohibition Intelligence Bureau are thus associated with the work of preparing lists of officers of doubtful integrity. It has, however, been found that the association of the Bureau with this work is not at a sufficiently high level. In order to ensure that the Bureau to associated with this work at the highest level Government is pleased to prescribe the following procedure:—

(i) The Heads of Departments should prepare lists of officers of doubtful integrity and forward them to Government in their respective administrative department with a copy to the Director, Anti-Corruption and Prohibition Intelligence Bureau.

(ii) The Director, Anti-Corruption and Prohibition Intelligence Bureau, should forward his remarks on the lists to Government in the concerned administrative department direct.

(iii) The administrative departments should finalise the lists with due regard to the remarks of the Director, Anti-Corruption and Prohibition Intelligence Bureau, after obtaining the orders of Government and forward the finalised lists to the concerned Heads of Departments with a copy to the Director, Anti-Corruption and Prohibition Intelligence Bureau.

2. Although by orders issued in Government Circular, General Administration Department No. CDR-2067/C-5790/D-1, dated the 13th February 1968, the Heads of Departments have been instructed to review the lists of officers of doubtful integrity periodically, it has been found that these reviews are held spasmodically. Government is pleased to direct that the Heads of Departments should review the lists finalised by Government, in the month of July every year.

By order and in the name of the Governor of Maharashtra,

(Sd/) M. K. GUPTE,

Under Secretary to the Government of Maharashtra.

CONFIDENTIAL

Government Administration:

Measures to eradicate corruption from—

GOVERNMENT OF MAHARASHTRA**GENERAL ADMINISTRATION DEPARTMENT**

Circular No. CDR. 2077/807/37/XI

Mantralaya, Bombay-400 032, 18th March 1977

CIRCULAR

Government Circular, General Administration Department, No. CDR. 2065/Recommendation No. 25-D-I, dated the 9th October 1965 directed that Heads of Departments should ascertain the integrity of each gazetted officer working under them and draw up a list of those whose integrity is doubtful. Government has noticed that sufficient importance is not being attached to this responsibility. The confidential remarks about the integrity of Government servants are also written in a very casual manner.

There is no doubt that the immediate superior officer is in a most advantageous position to learn about the integrity of his subordinates, and Government, therefore, considers that *prima facie* he must have failed in his duty if he has not detected wide-spread and systematic corruption practised by persons directly working under him, or where an individual subordinate to him has been corrupt over a period of time.

Heads of Departments and Offices are accordingly requested to keep a close watch on their immediate subordinates whose integrity is suspect, since they will be held personally responsible for not detecting corruption among their subordinates.

By order and in the name of the Governor of Maharashtra,

J. B. D'SOUZA,
Chief Secretary to Government.

G.C., G.A.D., No. CDR. 2077/807/37/XI, dated the 18th March 1977.

CONFIDENTIAL

Government administration :

Measures to eradicate corruption from—

GOVERNMENT OF MAHARASHTRA

GENERAL ADMINISTRATION DEPARTMENT

Circular No. CDR-2077/807/37/XI

Mantralaya Bombay-400 032, dated the 15th February 1978

CIRCULAR

Orders were issued in Government Circular, General Administration Department, No. CDR-2065/Recommendation No. 25-DI, dated the 9th October 1965, directing the Heads of Departments to ascertain the integrity of each gazetted officer working under them and to draw up a list of those whose integrity is doubtful. Government has however, noticed that sufficient importance is not being attached to this responsibility and confidential remarks about the integrity of Government servants are also written in a very casual manner. Government has, therefore, issued instructions in Government Circular, General Administration Department, No. CDR-2077/807/37/XI, dated the 18th March 1977 that the Heads of Departments/Offices should keep a close watch on their immediate subordinates whose integrity is doubtful, and that they will be held personally responsible for not detecting corruption among their subordinates.

2. The question as to who should likewise be responsible for non-detection of corruption practised by the Heads of Departments was under consideration of Government for some time past. Government is now pleased to direct that the Secretaries of the concerned administrative Departments of the Mantralaya should likewise be held responsible, as mentioned in the Circular of 18th March 1977 for failure to detect corruption practised by the Heads of Departments.

(Sd.) (S. V. BHAVE),
Chief Secretary to Government.

CONFIDENTIAL*Allegations against Class I Officers :*Enquiries into—by the Anti-Corruption and
Prohibition Intelligence Bureau.**GOVERNMENT OF MAHARASHTRA****GENERAL ADMINISTRATION DEPARTMENT**

Circular No. CDR-2080/C-1614/377/XI

Mantralaya, Bombay-400 032 dated the 12th March 1981

CIRCULAR

Whenever any allegations are made against any individual Class I Officer, and the Director Anti-Corruption and Prohibition Intelligence Bureau or the Head of the Department concerned, to whom these allegations are made, considers that an enquiry into the allegations should be made by the Bureau, the existing procedure as clarified in Government Circular, General Administration Department, No. CDR-1171/C-15587-DI, dated 23rd February 1972 requires that orders of Government in the Home Department should be obtained for the conduct of the enquiry by the Bureau into the allegations against that Officer. This procedure causes some delay and the purpose of finalising the enquiries as early as possible is not served as expected. Government has therefore, reviewed the procedure in this respect and is pleased to direct as follows :—

(1) Whenever on the basis of the discreet preliminary enquiries made, an open enquiry into the allegations made against a Class I Officer is considered necessary, the permission of Government for the conduct of such an enquiry should be obtained if the officer is a Member of an All India Service or a Head of the Department as defined in the Bombay Civil Services Rules, 1959. While seeking the permission, the Director, Anti-Corruption and Prohibition Intelligence Bureau should move the Secretary to Government, Home Department by name for orders. The Secretary, Home Department will obtain the orders of the Chief Minister through the Chief Secretary and will communicate them to the Director.

(2) The permission of Government will not be necessary for such enquiry into the allegations against a Class I Officer other than a Member of an All India Service or a Head of Department. But the enquiry against such Officer should be conducted only after the Director, Anti-Corruption and Prohibition Intelligence Bureau or the Head of the Department concerned has personally scrutinised the case and satisfied himself that there is enough material to justify an open enquiry and further, clearance for the same is obtained from the Secretary, Home Department.

2. According to the instructions contained in Government Circular, General Administration Department, No. CDR-1072/13903-DI, dated 7th December 1972, whenever complaints making allegations of corruption, bribery or criminal misconduct against Government servants are received by the Anti-Corruption Bureau, the Anti-Corruption Bureau Officers are required to make discreet enquiries into such complaints and care is required to be taken to see that a Government servant against whom the enquiry is being made does not come to know that such an enquiry is being made. In some cases however, it is helpful to obtain the version of the Government servant against whom allegations are made, at the stage of making discreet enquiry. Government is therefore, pleased to direct that where, in any particular case, the Director, Anti-Corruption and Prohibition Intelligence Bureau considers that it would be desirable to obtain the version of the Government servant against whom the allegations are made, there is no objection to obtain the version of such Government servant even during a discreet enquiry.

By order and in the name of the Governor of Maharashtra,

V. S. FADNAVIS,

Deputy Secretary to Government.

CONFIDENTIAL*Prosecution:*

Need to grant sanction to—

GOVERNMENT OF MAHARASHTRA**GENERAL ADMINISTRATION DEPARTMENT**

Resolution No. CDR-2080/1920/428/XI

Mantralaya, Bombay 400 032, dated the 15th February, 1982

Read.—(1) Government Resolution, General Administration Department, No. VGC-1066/C-10544-D-I, dated 14th December 1966.

(2) Government Resolution, General Administration Department, No. CDR-2080/1930/428/XI, dated 16th October 1980.

RESOLUTION.—In order to curtail delay in according sanction to prosecute Government servants, procedure for submission of the prosecution proposals by the Anti-Corruption Bureau to the Secretary, Home Department (L & O) by name and laying down time-limit of one month for sanctioning prosecution was prescribed *vide* Government Resolution, General Administration Department, No. CDR-2080/1930/428/XI, dated 16th October 1980. In view of certain practical difficulties encountered in following the revised procedure, Government has reconsidered the matter and in supersession of the Government Resolution, General Administration Department, No. CDR-2080/1930/428/XI, dated the 16th October 1980 is pleased to lay down the following revised procedure which should be followed for sanctioning prosecution of Gazetted Officers for whom Government is the appointing authority:—

(i) The Anti-Corruption Bureau should forward the report with a draft order sanctioning prosecution, to be issued by the appointing authority, to the Secretary, Home Department (L & O) by name.

(ii) The Secretary, Home Department (L & O), should scrutinise the proposal personally within a period of two weeks and refer the case to the Secretary of the Administrative Department, concerned.

(iii) The Secretary of the Administrative Department concerned, after scrutinising the proposal within one week should refer it to the Remembrancer of Legal Affairs for scrutiny from the legal point of view. The Remembrancer of Legal Affairs should return the case within a period of one week to the Secretary of the Administrative Department concerned.

(iv) The Secretary of the Department concerned will obtain orders of the Chief Minister through the Chief Secretary and Minister-in-Charge of the Department, within a period of two weeks.

2. There are certain Gazetted Officers for whom Head of Department—and not Government—is the appointing authority e.g., the Inspector-General of Police is the appointing authority for Inspectors of Police. In the cases of such Gazetted Officers and non-gazetted Class III and Class IV employees, the Director, Anti-Corruption and Prohibition Intelligence Bureau should forward his report to the concerned Head of Department or Head of Office who is the appointing authority. In case the appointing authority considers that sanction to prosecute a Government servant under its control should not be accorded, he should, within two weeks of the date of receipt of report from the Director, Anti-Corruption Bureau, forward the papers to the Secretary to Government of the Administrative Department, in the Mantralaya by name, indicating the reasons why he considers that the recommendations of the Director, Anti-Corruption Bureau should not be accepted. The Secretary to Government will obtain the orders of the Minister concerned thereon within period of 2 weeks.

3. In the cases of both Gazetted Officers and non-gazetted Government servants, the appointing authorities should ensure that sanction to prosecute is issued within six weeks of the receipt of the recommendation from the Director, Anti-Corruption Bureau.

By order and in the name of the Governor of Maharashtra,

S. B. UNDE,
Deputy Secretary to Government.